

Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

FREDRICK and ANNALESA THOMAS; and
JO-HANNA READ, as Guardian ad Litem of
E.T., a minor,

Plaintiffs,

v.

JASON CANNON; BRIAN MARKERT;
RYAN MICENKO; MICHAEL WILEY;
MICHAEL ZARO; CITY OF FIFE; CITY OF
LAKEWOOD; and PIERCE COUNTY
METRO SWAT TEAM,

Defendants.

Nos. 3:15-05346 BJR
3:16-cv-05392
CONSOLIDATED CASES

~~(Proposed)~~ ORDER GRANTING
STIPULATED MOTION FOR ORDER
STAYING JUDGMENT ON CONDITIONS

FREDRICK THOMAS and ANNALESA
THOMAS, as Co-Administrators of the Estate
of Leonard Thomas, and its statutory
beneficiaries,

Plaintiffs,

v.

BRIAN MARKERT; MICHAEL WILEY;
NATHAN VANCE; MICHAEL ZARO;
SCOTT GREEN; JEFF RACKLEY; CITY OF
FIFE; CITY OF LAKEWOOD; PIERCE
COUNTY METRO SWAT TEAM; and JOHN
DOES 1 through 10,

Defendants.

(Proposed) ORDER GRANTING STIPULATED MOTION STAYING
JUDGMENT ON CONDITIONS - 1

Nos. 3:15-05346/3:16-cv-05392 BJR
10633.1 1b026004

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1 This matter having come before this Court upon the parties' Stipulated Motion for Order
2 Staying Judgment Pending Appeal, and the parties having so stipulated, and the Court being fully
3 advised, now it is hereby ORDERED as follows:

4 1. The City of Lakewood's Amended Notice That Judgment Against City Of
5 Lakewood and Individual Defendants Is Superseded Without Bond (Dkt. 357), and the action of
6 the Lakewood City Council it references, obligates the City of Lakewood to pay the full amount
7 of the punitive damage judgments entered against defendant Michael Zaro for \$3,000,000,
8 defendant Brian Markert for \$2,000,000, and defendant Michael Wiley for \$1,500,000, plus
9 interest and applicable attorneys fees and costs, in the event any or all of those judgments are
10 affirmed. The City shall maintain sufficient resources to make that payment, which will be due
11 and owing 14 days following receipt by this Court of the mandate of the United States Court of
12 Appeals for the Ninth Circuit affirming any of those punitive damage judgments.

13 2. The above described obligations and undertakings of the City of Lakewood shall
14 be enforceable by motion and order of this Court. In the event legal action is necessary to
15 enforce these obligations, plaintiffs shall be entitled to an award of reasonable attorney's fees
16 and expenses under 42 U.S.C. Section 1988, for any fees and expenses incurred in enforcing the
17 obligations described above;

18 3. The Amended Notice (Dkt. 357) and the above described obligations and
19 undertakings by the City of Lakewood provide adequate grounds for waiver of any requirement
20 of a supersedeas bond to stay the punitive damage judgments against the individual defendants
21 imposed by FRCP 62(d) or RAP 8.1(d), as well as the City of Lakewood itself.

22 4. On the above stated conditions, collection of the judgments against the City of
23 Lakewood and defendants Michael Zaro, Brian Markert, Michael Wiley and Jason Cannon is
24 hereby stayed pending receipt by this Court of the mandate of the Court of Appeals in this action.

25 DATED this 15th day of February, 2018.

26 
27 Honorable Barbara J. Rothstein
United States District Court Judge

(Proposed) ORDER GRANTING STIPULATED MOTION STAYING
JUDGMENT ON CONDITIONS - 2